FARAD CONTINUATION SHEET NO.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
NAGPUR BENCH, NAGPUR

Criminal Application No. 1961/2006

Appeal	District :
Application No.	of 200
Writ petition	

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's orders

Shri. S.Y. Ghurde, Adv. for applicants.
Shri D.B. Patel, A.P.P. for R-State.
Shri V.M. Deshpande, Adv. for R-Complainant.

CORAM : B.R. Gavai, J.
DATED : August 11, 2006.

This is an application for grant of anticipatory bail.

The applicants are apprehending their arrest in connection with Crime No. 41/2006 for the offences punishable under Sections 420, 467, 468, 471, 120B and 34 of I.P.C.

The allegation against the present applicants is that they had entered into an agreement for sale of the landed property belonging to one Bachansingh Sial on the basis of the power of attorney allegedly executed by said Shri Sial in favour of Shri Hiraman Shingne. It is further alleged that no such power of attorney was executed by said Shri Sial in favour of said Shri Shingne.

Shri Ghurde, the learned counsel appearing on behalf of the applicants, submitted

that the applicants had entered into an agreement with said Shri Shingne believing the power of attorney to be genuine one. He submitted that in any case, the dispute is of civil nature and cross suits are filed by the applicants as well as said Shri Sial.

Shri Patel, the learned A.P.P. as well as Shri Deshpande, the learned counsel who appears to assist the prosecution, opposed the application. It is submitted that the power of attorney was sham and bogus document. It is further submitted that the present applicants, though knowing that the said power of attorney is bogus and sham document, had entered into an agreement. It is submitted that even after rejection of the injunction application, the present applicants had entered into an agreement with third parties for selling the plots.

Shri Ghurde, the learned counsel, on the instructions of the applicant no.1 who is present in the Court today, made a categorical statement that after the injunction application was rejected, the applicants have not entered into any agreement with third party, and further that the applicants undertake that they shall not enter into any such agreement until the dispute is decided by the competent civil court.

Taking into consideration the nature of allegations, this Court had granted interim

protection to the applicants on 26th July, 2006. This Court had also directed the applicants to report to the Police Station on every Wednesday, Friday and Sunday. It is not disputed that the applicants have accordingly reported the Police Station and cooperated with the investigation.

In that view of the matter, I find that the present application deserves to be allowed.

The application is allowed. In the event of their arrest in connection with Crime No. 41/2006, the applicants are directed to be released on bail on each of them furnishing bail bond in the sum of Rs. 25,000/- with one or more sureties in the like amount. The applicants shall not make any attempt to tamper the prosecution evidence nor shall they influence any prosecution witness. They shall report to the Investigating Officer as and when so directed by the I.O. in writing.

JUDGE

RMP